

most of which favored the casino proposal. In the section called “Consultations with state,” the section now contained mention of a March 28, 1995, letter from State Rep. Sheila Harsdorf (from the Hudson area), and 28 other representatives expressing “strong opposition” and listing four areas of detriment.<sup>383</sup> The memo bore a computer-generated “DRAFT” stamp on each page.

### **3. Duffy Directs that Denial Be Based Upon Section 20 of IGRA, As Well As Section 465 of IRA and its Part 151 Regulations**

Woodward attended a meeting with Duffy, Sibbison and Robert Anderson on the afternoon of July 5 to discuss Skibine’s draft letter denying the application solely under IRA and Part 151 regulations. Skibine was on vacation. Woodward’s notes of the meeting – which he distributed to Skibine, Hart, Hartman, Meisner and Larry Scrivner by e-mail the following morning – reflect that “[t]he main issue discussed was why the letter indicated that the Secretary’s denial was under Section 151 and not Section 20 of the Indian Gaming Regulatory Act.” At the meeting, “Duffy advocated the position that this was the perfect opportunity to calm the fears of communities that Indian gaming would not be foisted upon them without their consent.” Woodward noted Duffy’s position was at odds with what he understood to be existing DOI policy in this area:

Duffy thinks that the local communities may veto off-reservation Indian gaming by objecting during the consultation process of Section 20. I expressed the opinion, advocated by George and which we have used to evaluate objections in the past, that the consultation process does not provide for an absolute veto by mere objection, but requires that an objection be accompanied by evidence that

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<sup>383</sup>The detriment described included reduced tax revenues, and possible increases in racial tension and crime, as well as public opposition to gambling and likelihood that the casino would negatively impact other tribes with on-reservation gaming in remote locations.